

Atty's 22579

Pat. App. 10/625,963

IN THE DRAWING

Note the attached Replacement Sheet.

REMARKS

The present amendment is submitted, in view of the fact that allowable subject matter has been indicated to be present in the case, in an earnest effort to advance this case to issue without delay.

1. The priority claim acknowledgment in paragraph 12 of PTOL 326 is appreciated.

2. A replacement sheet containing FIG. 5, corrected to include a lead line for reference character 18a is herewith provided.

3. The specification has been amended to eliminate the informalities noted by the Examiner. The reference character 17a is found at page 12, line 20. The collar 20 is mentioned in the description of FIG. 5. A correction has been made at page 14, lines 5 and 6 as well as at page 14, line 19. The specification changes do not enter any new matter in the case.

4. The Examiner's indication that claims 12 through 15 and 17 through 20 contain allowable subject matter is appreciated.

Claims 12 and 17 have been written in independent form by the inclusion of all of the subject matter of the claims from which these claims depended. Claims 12 to 15 and 17 to 20 are now allowable outright.

A minor change has been made in claim 9 for obvious reasons.

5. Claims 1 to 11 and 16 remain in the case and are deemed to be allowable over the combination of WINTHER 6,511,203 with MCLEAN 4,658,534 and even over that combination, taken with ROHRMOSER et al 6,162,002. Key to the invention is that fact that at the foot of a bar shaped lamp there is a reversible elongated foot member (16) received in the shaft of the lamp and having a first end forming a spike (17) engageable in the ground and an impact tool (18) at the other end for smashing a vehicle window.

The WINTHER reference clearly does not have a reversible foot member nor does it have one which has a tool at the end opposite the spike for breaking a window. The MCLEAN reference is a fishing pole holder having nothing to do with a lamp and there is nothing in the MCLEAN reference which would suggest its combination with a bar shaped lamp in any way shape or form. The fact that both the fishing pole holder of MCLEAN and the lamp of WINTHER both have spikes is not a basis for combination nor, for that matter can there be any basis for drawing ROHRMOSER et al into the combination since ROHRMOSER discloses an anchor which is

designed to be set by a tool permanently in the material in which it is set.

In short, therefore, the combinations made by the Examiner would not have been obvious at the time the invention was made and certainly are not suggested in the art of record.

But even if these references could be combined in an obvious manner, they certainly do not collectively disclose a reversible elongated foot member on a lamp having a dual function, one end being an impact tool, capable of rupturing a vehicle window while the other is an elongated spike for insertion into the ground. In fact, a reversible foot member with those features has not been shown to be prior art by the Examiner even in a field alien to a bar lamp. Certainly the Examiner has not, therefore, made out a *prima facie* case for rejection of any of claims 1 through 11 and 16.

Furthermore, Applicant cannot find any teaching in MCLEAN of the subject matter contained in the first complete paragraph of page 4 of the Office Action. There the Examiner said "MCLEAN discloses (FIGS. 2, 3)..." going on to describe the rupturing of glass, the reversing of a member in a sleeve and a number of other items which Applicant has been completely unable to find in such terms anywhere in the MCLEAN reference. MCLEAN, therefore, cannot be said to disclose the subject matter discussed at the top of page 4 of the Office Action at all.

It appears that the rejection in this case is a hindsight rejection without basis in the reference and cannot stand.

Claims 1 to 11 and 16 are therefore deemed to be allowable together with claims 12 to 15 and claims 17 to 20 and early notice to that effect is earnestly solicited.

Respectfully submitted,
The Firm of Karl F. Ross P.C.

By: ~~Herbert Dubno, Reg. No. 19,752~~
~~Attorney for Applicant~~

Enc: Replacement Sheet

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5676 Riverdale Avenue Box 900
Bronx, NY 10471-0900
Cust. No.: 535
Tel: (718) 884-6600
Fax: (718) 601-1099

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